

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

DAILY NEWS, LP; CHICAGO TRIBUNE  
COMPANY, LLC; ORLANDO SENTINEL  
COMMUNICATIONS COMPANY, LLC; SUN-  
SENTINEL COMPANY, LLC; SAN JOSE  
MERCURY-NEWS, LLC; DP MEDIA  
NETWORK, LLC; ORB PUBLISHING, LLC;  
AND NORTHWEST PUBLICATIONS, LLC,

Plaintiffs,

v.

MICROSOFT CORPORATION, OPENAI, INC.,  
OPENAI LP, OPENAI GP, LLC, OPENAI, LLC,  
OPENAI OPCO, LLC, OPENAI GLOBAL, LLC,  
OAI CORPORATION, LLC, and OPENAI  
HOLDINGS, LLC,

Defendants.

Case No. 1:24-cv-03285-SHS-OTW

**DECLARATION OF ANDREW M. GASS IN  
SUPPORT OF OPENAI DEFENDANTS'  
MOTION TO DISMISS**

I, Andrew M. Gass, declare as follows, pursuant to 28 U.S.C. § 1746:

1. I am a Partner at Latham & Watkins LLP, located at 505 Montgomery Street Suite 2000, San Francisco, California 94111, which represents Defendants OpenAI, Inc., OpenAI L.P., OpenAI GP, L.L.C., OpenAI, L.L.C., OpenAI OpCo, L.L.C., OpenAI Global, L.L.C., OAI Corporation, L.L.C., and OpenAI Holdings, L.L.C. (collectively, the “OpenAI Defendants”) in the above-captioned litigation. I submit this declaration in support of the OpenAI Defendants’ Motion to Dismiss.

2. Attached hereto as Exhibit 1 is a true and correct copy of Plaintiffs’ complaint.

3. Attached hereto as Exhibit 2 is a sample of articles cited by Plaintiffs in Exhibit J of the Complaint, displaying both Plaintiffs' excerpts listed in Exhibit J and the rest of the articles from the URLs provided by Plaintiffs.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 11, 2024, in New York, NY.

By: /s/ Andrew M. Gass  
Andrew M. Gass